

REMARKS

In an office action dated 25 February 2004, the Examiner rejects claims 1, 3-10, and 12-24. In response to the office action, Applicants amend claims 4-10 and 23, and respectfully traverse the rejection. In light of the following arguments, Applicants respectfully request that this Application be allowed.

Applicants have amended claims 4-10 and 23 to correct typographical and editorial errors. These amendments correct all objections and 35 U.S.C. §112 rejection.

The Examiner rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of Bontemps et al. (Bontemps).). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id.

Claim 1 recites "receiving, by a switching input of a tri-state buffer provided on the front card, a sensing signal from the back card." (emphasis added) The admitted prior art does not teach this limitation. Furthermore, Bontemps does not teach this limitation. Particularly, Bontemp does not teach a switch on a front card that receives the this limitation. [However, as taught in the Bontemp, specification, element 222 is part of media detection circuit 200. See col. 10, line 64- col. 12-line 33. Circuit 200 provides a port 106. of a network device. See Col. 7, lines 19-24. A network device is a repeater or switch which is equivalent of a router. See Col. 5, lines 58-66. Thus, element 22 is part of a port which is a back card in the present invention. Thus, Bontemp teaches a tri-state buffer that is on the back card and not on the front card as recited in the claim.] Since neither the admitted prior nor teaches receiving the signal in tristate buffer on the front card, the combination of the references does not teach this limitation. Essentially,

Bontemp is teaching a method of detection of connection of a device to a port and not the presence of the port on the router. Therefore, Applicants respectfully request that the rejection of claim 1 be removed and claim 1 be allowed.

Furthermore, even if the combination of references does teach the limitation, the Examiner has not provided a proper motivation to combine the references. Case law and the MPEP require that the motivation combined be found in the prior art or in the general knowledge of those skilled in the art. See MPEP §2143.01. See also In re Kotzab, 217 F3d 1365 (Fed. Cir 2000). The Examiner has not shown anywhere in the cited art providing the asserted motivation. Instead, the Examiner has made a mere assertion relying on the knowledge of the art. Applicants challenge this assertion and request that the Examiner provide evidence of such assertion as required by MPEP §2144.03 or remove the rejection.

Claims 3-9 are dependent upon claim 1. Thus, claims 3-9 are allowable for at least the same reasons as claim 1. Thus, applicants respectfully request that the rejections of claims 3-9 be removed and claims 3-9 be allowed.

Claim 10 recites an apparatus the performs the method of claim 1. Thus, claim 10 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the rejection of claim 10 be removed and claim 10 be allowed.

Claims 12-17 are dependent upon claim 10. Thus, claims 12-17 are allowable for at least the same reasons as claim 10. Thus, Applicants respectfully request that the rejections of claims 12-17 be removed and claims 12-17 be allowed.

Claim 18 recites an apparatus that performs the method of claim 1. Thus, claim 18 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the rejection of claim 18 be removed and claim 18 be allowed.


Claims 19-24 are dependent upon claim 18. Thus, claims 19-24 are allowable for at least the same reasons as claim 18. Thus, Applicants respectfully request that the rejections of claims 19-24 be removed and claims 19-24 be allowed.

If the Examiner has any questions regarding this application or this response, the Applicant is respectfully requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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